

Lardo et al.
U.S.S.N. 09/904,182
Page 6 of 9

REMARKS

Claims 61-83 are pending. Claim 85 is added herein. No new matter is added by these amendments, support therefore being found throughout the application as filed (e.g. see p. 4, lines 20-25, p. 9, lines 2-5, p. 10, lines 3-13).

Applicants note that in the Response filed on April 12, 2006, new claims 61-82 were added. Applicants later noted that two claims numbered 68 were submitted. Thus, in Applicants' response filed on July 12, 2007, Applicants deleted the first claim 68 and added new claim 83 directed to the deleted claim 68. As such, Applicants submit that the claim numbering was preserved throughout prosecution and that claims 68-84 should not be renumbered as claims 69-85.

1. 35 U.S.C. §102 REJECTIONS

Claim 61 is rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,605,055 to Sinofsky et al. (hereinafter "Sinofsky"). Applicants respectfully traverse.

Sinofsky was filed on September 13, 2000, and does not claim priority to any prior U.S. or International Applications. The present application was filed on July 11, 2001 and claims priority to U.S.S.N. 60/217,522 which was filed on July 11, 2000.

Thus, Sinofsky does not qualify as prior art. Reconsideration and withdrawal of the rejection is respectfully requested.

2. 35 U.S.C. §103 Rejections

Sinofsky and Swanson

Claims 62-82 and 84 are rejected under 35 U.S.C. §103(a) over Sinofsky and U.S. Patent No. 6,023,638 to Swanson (hereinafter "Swanson"). Applicants respectfully traverse.

As set forth above, Sinofsky does not qualify as prior art.

BOS2 666855.1

Lardo et al.
U.S.S.N. 09/904,182
Page 7 of 9

Applicants recite, in independent claim 61, a non-thermal method for treating and/or curing cardiac arrhythmias. As set out, a photosensitizing agent is administered to at least one pulmonary vein, and an illumination device comprising a fiberoptic housed within a balloon is inserted into the at least one pulmonary vein ostia before, during, or after administration of the photosensitizing agent. The balloon is inflated to achieve circumferential ostial contact in the pulmonary vein ostia. During and/or after the photosensitizing agent is administered, illumination is delivered from the fiberoptic through the balloon so as to activate the photosensitizing agent in the pulmonary vein, to thereby ablate a section of the pulmonary vein and electrically isolate the pulmonary vein from the left atrium.

Swanson describes a method of conducting diagnostic testing of myocardial tissue. Swanson does not teach or suggest a method wherein an illumination device comprising a fiberoptic housed within a balloon is inserted into a pulmonary vein ostia, inflating the balloon to achieve circumferential ostial contact in the pulmonary vein ostia, and delivering illumination from the fiberoptic through the balloon so as to activate the photosensitizing agent in the pulmonary vein, thereby ablating a section of the pulmonary vein and electrically isolating the pulmonary vein from the left atrium.

Thus, claim 61 is patentable over Swanson. Claims 62, 63, 78-81, 83, and 84 depend from claim 61 and, thus, also are patentable over Swanson. Reconsideration and withdrawal of the rejection is respectfully requested.

Sinofsky, Swanson, and Rice

Claim 83 is rejected under 35 U.S.C. §103(a) over Sinofsky, Swanson, and U.S. Patent No. 6,200,309 to Rice (hereinafter "Rice"). Applicants respectfully traverse.

BOS2 666855.1

Lardo et al.
U.S.S.N. 09/904,182
Page 8 of 9

As set forth above, Sinofsky does not qualify as prior art. As further set forth, Swanson does not teach or suggest a method wherein an illumination device comprising a fiberoptic housed within a balloon is inserted into a pulmonary vein ostia, inflating the balloon to achieve circumferential ostial contact in the pulmonary vein ostia, and delivering illumination from the fiberoptic through the balloon so as to activate the photosensitizing agent in the pulmonary vein, thereby ablating a section of the pulmonary vein and electrically isolating the pulmonary vein from the left atrium.

Rice does not remedy these deficiencies. Rice describes a laser system for irradiating tumor cells in the presence of a photosensitizer compound. Rice at least does not teach or suggest a method wherein an illumination device comprising a fiberoptic housed within a balloon is inserted into a pulmonary vein ostia, inflating the balloon to achieve circumferential ostial contact in the pulmonary vein ostia, and delivering illumination from the fiberoptic through the balloon so as to activate the photosensitizing agent in the pulmonary vein, thereby ablating a section of the pulmonary vein and electrically isolating the pulmonary vein from the left atrium.

Thus, it is respectfully submitted that claim 61 is patentable over Swanson and Rice. Claim 83 depends from claim 61 and, thus, also is patentable over Swanson and Rice. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant respectfully requests early consideration and allowance of the subject application.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

BOS2 666855.1

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NO. 6005 P. 13

Lardo et al.
U.S.S.N. 09/904,182
Page 9 of 9

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